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Nick J. Grivas

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06/16/2009

CONTINENTAL AUTOMOTIVE SYSTEMS
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EXAMINER

PHUONG, DAI

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

06/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Argument

1. Applicant's arguments, filed 0311/2009, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-9, 13-14 and 26-34 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 13-14 and 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes et al. (U.S. 6751475) in view of Erfinder et al. (WO 98/54845) and further in view of Ross et al. (U.S. 5859628).

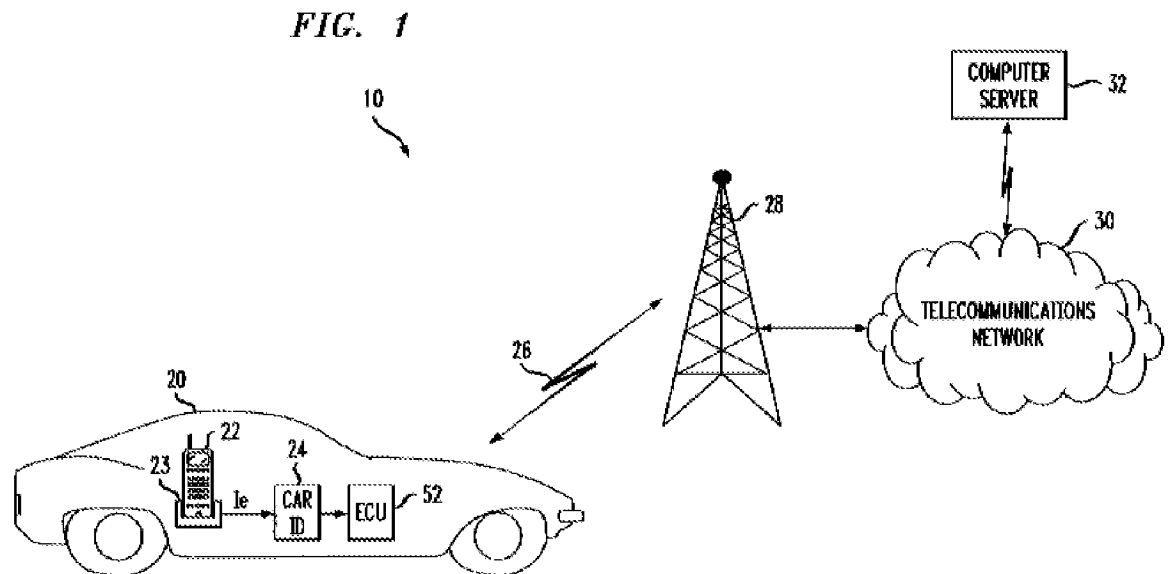
Regarding claim 1, Holmes et al. disclose a method, comprising:

providing a docking apparatus 23/52 coupled to interface with a vehicle 20 (see fig. 1 below and col. 3, line 14-18. Holmes et al. disclose the mounting unit 23 provides an interface between the wireless device 22 and the vehicle 20);

communicatively coupling a remote communications device 22 to the docking apparatus 23/52 (fig. 1, col. 3, line 32-35. Holmes et al. disclose the communication between the wireless device 22 and the mounting device 23 may be accomplished over an air interface using radio signals or the like),

wherein the remote communications device does not include a telematics functionality module (*a vehicle identification number 24*) (fig. 1, col. 23, line 47-65. Holmes et al. disclose the electronic control unit (ECU) 52 transmits a vehicle identification number 24 (a telematics functionality module) to the wireless device 22 via the mounting system 23. Therefore, the wireless device initially does not include *a vehicle identification number 24 (telematics functionality module)* when the wireless device is connected to the mounting system 23. Once, electronic control unit (ECU) 52 detects the wireless device and the electronic control unit (ECU) 52 transmits *the vehicle identification number 24 (telematics functionality module)* to the wireless device via the mounting device); and

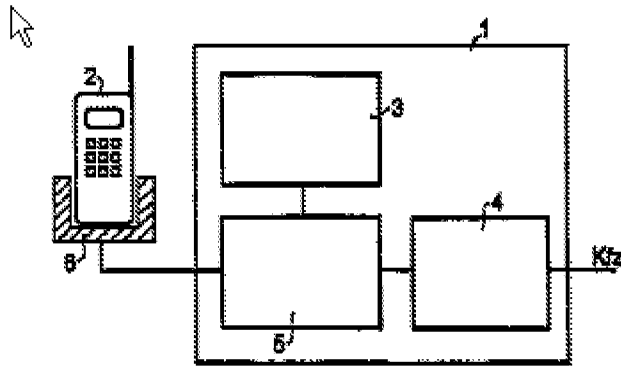
the docking apparatus communicating with the remote communications device to include the telematics functionality module in a memory of the remote communications device (fig. 1, col. 2, line 51 to col. 7, line 12. Holmes et al. disclose the electronic control unit (ECU) 52 transmits *a vehicle identification number 24/a telematics functionality module* to the wireless device 22 via the mounting system 23 when it detects the wireless device. Note: the wireless device comprises a buffer/memory for storing the *vehicle identification number 24* after receiving from the mounting device 23).



However, Holmes et al. does not specifically disclose the docking apparatus downloading the telematics functionality module into the memory of the remote communications device, or (ii) the docking apparatus supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location, wherein the telematics functionality module comprises one or more telematics related applications including at least one of a noise cancellation application, a routing guidance application, and an emergency notification application.

In the same field of endeavor, Erfinder et al. disclose the docking apparatus downloading the telematics functionality module into the memory of the remote communications device (See the figure below and Abstract. Erfinder et al. disclose the docking apparatus 6 can be transmitted

the identification code to the mobile telephone 2 when the vehicle start. It is obvious that the mobile phone 2 includes a memory for storing the identification code).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Holmes et al. by specifically including the docking apparatus downloading the telematics functionality module into the memory of the remote communications device, as taught by Erfinder et al., the motivation being in order to activate the mobile phone without the driver having to introduce the identification code each time.

However, the combination of Holmes et al. and Erfinder et al. do not disclose the telematics functionality module comprises one or more telematics related applications including at least one of a noise cancellation application, a routing guidance application, and an emergency notification application.

In an analogous art, Ross et al. disclose the docking apparatus downloading the telematics functionality module into the memory of the remote communications device, wherein the telematics functionality module comprises one or more telematics related applications

including at least one of a noise cancellation application, a routing guidance application, and an emergency notification application (col. 8, lines 64-67 and col. 9, line 57 to col. 10, line 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Holmes et al. by specifically including the docking apparatus downloading the telematics functionality module into the memory of the remote communications device, wherein the telematics functionality module comprises one or more telematics related applications including at least one of a noise cancellation application, a routing guidance application, and an emergency notification application, as taught by Ross et al., the motivation being in order to allow a user to a portable device while in a vehicle.

Regarding claim 2, the combination of Holmes et al. and Erfinder et al. and Ross et al. disclose all the limitation in claim 1. Further, Ross et al. disclose the one or more telematics related applications further includes at least one of a vehicle specific application, a personal telematics application, a security application, a hands-free application, an air bag system notification application (col. 8, lines 64-67 and col. 9, line 57 to col. 10, line 54).

Regarding claim 3, the combination of Holmes et al. and Erfinder et al. and Ross et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein the docking apparatus is a car kit (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 4, the combination of Holmes et al. and Erfinder et al. and Ross et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein

communicatively coupling comprises communicatively coupling using at least one of a wireless link and a wireline link (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 5, the combination of Holmes et al. and Erfinder et al. and Ross et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method further comprising: the remote communications device detecting the docking apparatus; and the docking apparatus and the remote communications device exchanging capability data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 6, the combination of Holmes et al. and Erfinder et al. and Ross et al. disclose all the limitation in claim 5. Further, Holmes et al. disclose the method wherein the capability data comprises at least one of a software configuration, a hardware configuration, identification data and security data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 7, the combination of Holmes et al. and Erfinder et al. and Ross et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method further comprising: the docking apparatus detecting the remote communications device; and the docking apparatus and the remote communications device exchanging capability data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 8, the combination of Holmes et al. and Erfinder et al. and Ross et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein the capability data comprises at least one of a software configuration, a hardware configuration, identification data and security data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 9, the combination of Holmes et al. and Erfinder et al. and Ross et al. disclose all the limitation in claim 1. Further, Erfinder et al. disclose the docking apparatus downloading the telematic functionality module into the memory of the remote communication device comprises rewriting at least a portion of a memory of the remote communications device to include the telematics functionality module (abstract. It is obvious that the docking rewrites the telematics functionality module in at least a portion of a memory of the remote communications device when the vehicle start). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Holmes et al. by specifically including the docking apparatus downloading the telematic functionality module into the memory of the remote communication device comprises rewriting at least a portion of a memory of the remote communications device to include the telematics functionality module, as taught by Erfinder et al., the motivation being in order to activate the mobile phone without the driver having to introduce the identification code each time.

Regarding claim 13, the combination of Holmes et al. and Erfinder et al. and Ross et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module into a memory of the remote communications device while the remote communications device is communicatively coupled to the docking apparatus, and wherein erasing the telematics functionality module from the memory when the remote communications device ceases being communicatively coupled to the docking apparatus (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 14, the combination of Holmes et al. and Erfinder et al. and Ross et al. disclose all the limitation in claim 1. Furthermore, Erfinder et al. disclose the method further comprising: the docking supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location comprises: the remote communication device downloading the telematics functionality module into the memory from the download location supplied by the docking apparatus (abstract, the mounting device 6 or vehicle supplies/transmits a release signal (download location) to the mobile phone for downloading the identification code (the telematics functionality module). When it is detected and the mobile phone sends a request signal for downloading the identification code (the telematics functionality module) into its memory in accordance with the detected release signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Holmes et al. by specifically including the docking supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location comprises: the remote communication device downloading the telematics functionality module into the memory from the download location supplied by the docking apparatus, as taught by Erfinder et al., the motivation being in order to establish a connection between the mobile phone and the mounting device 6 by using the identification code.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 4.

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Regarding claim 30, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 32, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 34, this claim is rejected for the same reason as set forth in claim 9.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dai A Phuong/

Examiner, Art Unit 2617

Date: 05/27/2009

Application/Control Number: 10/737,234
Art Unit: 2617

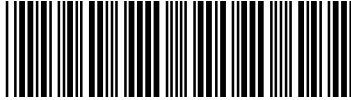
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/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626

<i>Index of Claims</i> 	Application/Control No. 10737234	Applicant(s)/Patent Under Reexamination GRIVAS ET AL.
	Examiner DAI A PHUONG	Art Unit 2617

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

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CLAIM		DATE									
Final	Original	03/20/2008									
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<p><i>Index of Claims</i></p> 	Application/Control No. 10737234	Applicant(s)/Patent Under Reexamination GRIVAS ET AL.
	Examiner DAI A PHUONG	Art Unit 2617

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47										
CLAIM		DATE								
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	37	-								
	38	-								
	39	-								